IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

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WRIT PETITION NO : 27634 of 1995

Between:

Dasari Bhadraiah, S/O NAGAIAH
R/O SURARAM H/O GUNDEPUDI VILLAGE JULURPADU MANDAL
KHAMAM DISTRICT

..... PETITIONER

AND

1 The MANDAL REVENUE OFFICER, JULURPADU KHAMMAM DIST
2 THE DISTRICT COLLECTOR, Khammam
3 VOORA VENKAIAH S/O NOT KNOWN
R/O SURARAM H/O GUNDEPUDI VILLAGE JULURPADU MANDAL
KHAMMAM DISTRICT
4 SIDDABOINA VENKATAPPAYA S/O RAMAYYA, R/o. Suraram
H/O GUNDEPUDI VILLAGE, JULURPADU MANDAL
KHAMMAM DISTRICT

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction declaring the proceedings in Rc.No.B/1693/95 of the Mandal Revenue Officer, Jalurpadu, Khammam District, 1st respondent herein, as illegal, without authority of law, without jurisdiction, arbitrary, unreasonable and hence violative of the fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India and issued a consequential direction not to give effect to the same.

Counsel for the Petitioner: MR.M.RAJAMALLA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent Nos. 3 & 4: None appeared

The Court made the following :

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ORDER:

The present writ petition has been filed seeking a declaration that the proceedings dated 22-11-1995 in Rc.No.B/1693/95 of the 1st respondent-Mandal Revenue Officer, Jalurpadu, Khammam District as illegal and arbitrary and for a consequential direction not to give effect to the same.

The facts of this case may be briefly recited as under:

The petitioner is the owner of the land admeasuring Ac.2.00 in S.No.116 situate at Suraram, H/o Gundepudi village,Julurpadu Mandal. But in the Revenue records the said stands in the name of his son viz., Dasari Narsimha Rao. The petitiioner has also been cultivating another Ac.2-00 of land situate in the same S.No.116 of Suraram village by taking lease from one Gugloth Hemla. But in the revenue records, the petitioner's name was shown as owner. The petitioner has been in possession and enjoyment of the above said lands. While so, 3rd and 4th respondents filed a petition before the 1st respondent alleging that he encroached into their land. In pursuance of the same, the 1st respondent issued the impugned proceedings calling upon to him to appear before him on 24-11-1994 with relevant records. So far, no enquiry has been conducted. The 3rd respondent also initiated proceedings under Scheduled Area Land Transfer Regulation before Special Deputy Collector (Tribal Welfare) Paloncha in respect of the 2 acres of land which he took lease from one Hemla. The Special Deputy Collector (Tribal Welfare) Paloncha by his order dated 2-8-95 dismissed the same and the same became final.

Heard the learned counsel for the parties.

On examination of the facts of this case, as adumbrated above, and after hearing the learned counsel on either side, it is obvious that the present writ petition is filed only against the impugned notice issued by the Mandal Revenue Officer dated 22-11-1995.

Hence, it would suffice, if the petitioner is directed to submit his explanation within a period of 8 weeks from the date of receipt of a copy of this order. The 1st respondent shall conduct an enquiry within a period of 8 weeks thereafter and he shall intimate the date of enquiry to the petitioner in advance, before proceeding with

the same. However, it is also made clear that if the petitioner fails to attend the enquiry to be conducted by the 1st respondent-Mandal Revenue Officer, the impugned order will be operative. Till passing of such orders, the interim suspension granted by this Court shall continue.

With the aforementioned directions, the writ petition is disposed of. No costs.

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23rd December2004

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To

1. The Mandal Revenue Officer, Julurpadu, Khammam Dist.
2. The District Collector, Khammam
3. Two CCs to GP for Revenue, High Court of AP, Hyderabad(OUT)
4. Two CD copies.